

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VINCENT VARNEY,

Plaintiff,

v.

TERRY COLLINS,

Defendant.

Case No. 2:09-cv-576

JUDGE GREGORY L. FROST

Magistrate Judge Mark R. Abel

ORDER

This matter is before the Court pursuant to the April 1, 2010 Report and Recommendation of the Magistrate Judge (Doc. #17) recommending the denial of the December 17, 2009 motion of Defendant Terry Collins for judgment on the pleadings (Doc. #10). No party has filed objections to this report and recommendation, and Defendants have subsequently moved for summary judgment. Accordingly, upon *de novo* review, this Court **ADOPTS** the Report and Recommendation (Doc. #17) and **DENIES** Defendant Terry Collins' motion for judgment on the pleadings (Doc. #10).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE